

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

SERGIO BONILLA, on behalf of himself and
all others similarly situated,

Plaintiff,

v.

ANCESTRY.COM OPERATIONS INC., a
Virginia Corporation; ANCESTRY.COM INC.,
a Delaware Corporation; ANCESTRY.COM
LLC, a Delaware Limited Liability Company;
and DOES 1 through 50, inclusive,

Defendants.

CASE NO. 1:20-cv-07390

Hon. Virginia M. Kendall

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Pursuant to Rule 56 of the Federal Rules of Civil Procedure and Rule 56.1 of the Local Rules of the Northern District of Illinois, defendants Ancestry.com Operations Inc., Ancestry.com Inc., and Ancestry.com LLC (collectively, "Ancestry") hereby move this Court to enter summary judgment in their favor on plaintiff's remaining claims for violation of the Illinois Right of Publicity Act ("IRPA") and unjust enrichment. This motion based on the accompanying Memorandum of Law, Defendants' L.R. 56.1(A) Statement of Undisputed Material Facts, the Declaration of Todd Godfrey, including its Exhibits, and the Court's records and files in this case. In support of its motion, Ancestry shows the Court as follows:

1. The yearbook record on which plaintiff bases his claims was first posted on Ancestry's website on June 27, 2019 and has remained available in the exact same manner that plaintiff now claims violates his "right of publicity."
2. The IRPA imposes a one-year statute of limitations.
3. Thus, plaintiff had until June 27, 2020, to bring his IRPA claim. However, plaintiff did not file this action until December 14, 2020.

4. Accordingly, plaintiff's IRPA claim is time-barred by Illinois' one-year statute of limitations.

5. Because plaintiff cannot sustain a claim for violation of the IRPA, his unjust enrichment claim—which is based on the same allegedly wrongful conduct—also fails.

Accordingly, Ancestry respectfully asks this Court to grant Ancestry's motion for summary judgment on each of plaintiff's remaining claims and enter judgment in favor of Ancestry.

Dated: February 10, 2022

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

By: /s/ Shon Morgan
Shon Morgan

Shon Morgan (*pro hac vice*)
John W. Baumann (*pro hac vice*)
865 South Figueroa Street, 10th Floor
Los Angeles, CA 90017
(213) 443-3000
shonmorgan@quinnemanuel.com
jackbaumann@quinnemanuel.com

Daniel Lombard
191 N. Wacker Drive, Suite 2700
Chicago, IL 60606
(312) 705-7400
daniellombard@quinnemanuel.com

Cristina Henriquez (*pro hac vice*)
555 Twin Dolphin Drive, 5th Floor
Redwood Shores, CA 94065
(650) 801-5000
cristinahenriquez@quinnemanuel.com

*Attorneys for Defendants Ancestry.com
Operations Inc., Ancestry.com Inc., and
Ancestry.com LLC*

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on February 10, 2022, I caused a true and correct copy of the foregoing to be filed electronically with the Clerk of the Court using the CM/ECF system. Notice of this filing will be sent to counsel of record via the Court's CM/ECF automated filing system.

/s/ Shon Morgan

Shon Morgan